

**BOARD OF PSYCHOLOGY
INITIAL STATEMENT OF REASONS**

Hearing Date: May 8, 2004

Subject Matter of Proposed Regulations: Supervised Professional Experience (SPE) and Registered Psychologists and Psychological Assistants

Sections Affected: 1387 – 1387.7 and 1389.1 – 1391.11

Problems with current regulation sections 1387 – 1387.7 Supervised Professional Experience and 1389.1 – 1391.11 Registered Psychologists and Psychological Assistants:

Every person who chooses a career goal of becoming a licensed psychologist must, at some point in his or her training, comply with section 1387 of the California Code of Regulations (CCR) in order to meet the requirements of section 2914 of the Business and Professions Code (BPC) to qualify for licensure. Every year board staff analyzes hundreds of applications for licensure, and in doing so, must review thousands of different internships, exempt settings, non-profit community agencies and psychological assistant settings. Applied training settings and standards have evolved over the years and section 1387 needs to periodically be amended and updated to ensure that the regulatory requirements reflect current standards and facilitate quality training rather than impeding it.

The board has sought the input from organizations and individual experts in the field of training for the psychology profession and has incorporated recommendations from such experts into the current proposals for amendments to section 1387. These amendments help to make the requirements for accruing supervised professional experience (SPE) clear to those who are affected by the regulations. The amendments will assist supervisors, trainees, training directors and training organizations to ensure that the training experience is relevant and thorough. The consumer will be the ultimate beneficiary of these amendments inasmuch as the result of the amendments will be better trained psychologists.

Two of the many methods by which one can legally accrue hours to qualify for licensure are: 1) as a registered psychological assistant and 2) as a Registered Psychologist. The psychological assistant registration, authorized by section 2913 of the BPC, allows an unlicensed person to function in a private setting under the employment and supervision of a qualified licensee. The Registered Psychologist registration, authorized by section 2909(d) BPC, allows an unlicensed person who meets specified qualifications to function under supervision in a private, nonprofit community agency that receives some government funding for the purpose of training and providing services.

The problem being addressed with the proposals affecting Article 5 of the CCR is two-fold. First, current sections 1391 – 1391.12 of the CCR has become obsolete and does not reflect the actual current day training practices of the supervisor/trainee relationship for psychological assistants. These current proposals correct these deficiencies, and in doing so promote higher quality training for future psychologists. Second, historically, the Registered Psychologist designation authorized by section 2909(d) has never been addressed in regulations. This has caused confusion and uncertainty for those in training and for those who supervise registered psychologists. In both respects, these proposals establish consistency with section 1387 CCR

which helps to further clarify the requirements for completing supervised professional experience for those doing so as psychological assistants or registered psychologists.

Specific Purpose of each adoption, amendment, or repeal:

The purpose of these current proposed amendments is to update how the regulations approach the training of psychologists. SPE is the primary method by which psychology trainees gain the practice skills to apply in their practice of psychology. Training methods in the mental health professions are in constant evolution based on such factors as advances in the profession, changes in our health care system, changes in HMO coverage for mental health services and changes in technology. The regulations addressing such experience must also evolve to ensure that the regulations promote quality training and do not impede such training by inadvertently limiting training settings, limiting those willing to supervise and/or limiting consumer access to trainees' services.

Further, the purpose of these regulations is to foster clear communication between supervisor, trainee and training program. Misunderstandings of expectations, goals and objectives and limitations in the supervised experience setting are common problems that often get in the way of quality training experiences. These proposals will remove restrictions which impair training goals. In place of these restrictions, these proposals will establish requirements for supervisors to prepare for unexpected emergencies in the training setting. These proposals will also require supervisors and trainees to develop a document which clearly spells out goals and objectives of the experience and other information that often is ignored or misunderstood. These proposals will directly enhance consumer protection in the training setting and they will enhance the overall training experience by facilitating clear communication of expectations between supervisor, trainee and training program.

The proposals are genuine efforts to remove bureaucratic barriers inherent in the current regulations and to substantially increase the clarity of the language to ensure that those affected by the regulations for supervised professional experience can understand the language and comply with the direction it provides.

Factual Basis/Rationale:

The board formulated the proposed amendments to the regulations regarding supervised professional experience, psychological assistants and registered psychologists with input obtained from an assembled panel of experts on January 18, 2003, with input from Directors of Training at major universities in California and input from professional associations such as Division II of the California Psychological Association.

The factual basis of each amendment is provided in the order in which the amendment appears in the proposed language:

1. Throughout these proposals are various non-substantive edits of grammar, punctuation and of clarification of wording.
2. The first paragraph in the preamble to section 1387 is proposed language that clearly states who is affected by the supervision regulations. This paragraph makes a clear statement that trainees accruing hours in areas of psychology that do not include direct mental health services need to refer to section 1387.3 for information on establishing an alternate plan for accruing SPE. This proposal was included as a response to perpetual questions from supervisors and trainee's seeking assistance in understanding the supervision regulations.

3. Language is added to the fourth paragraph of the preamble to section 1387 to set forth recognized standards to apply to all training situations. The American Psychological Association (APA), the Association Psychology Postdoctoral and Internship Centers (APPIC) and the California Psychology Internship Council (CAPIC) set the standards for training of psychology trainees across settings. This proposal expands the reference to these standards in formal internships to apply to all training settings included in the referenced sections.
4. In subsection (a), with regard to the existing time limits for accruing hours of experience, in response to many situations in which extreme hardship has been presented by difficult pregnancies, caring for babies born with birth defects, caring for terminally ill spouses and relatives, etc., the board feels that this regulation should allow reasonable discretion to modify the time limitations when such extreme life-hardships occur.
5. In response to perpetual questions on the issue, sections (a)(1)(A),(B), and (C) and (a)(2)(A),(B), and (C) are proposed to be amended to add phrasing to each category to indicate whether registration with the board is required. Additionally subsection (D) of each section adds a category of the Welfare and Institutions Code section 5751.2 which provides a waiver for certain settings wherein registration with the board is not required.
6. For clarification and consistency in terminology throughout, the term "supervisee" is amended to the term "trainee."
7. Subsection (b)(7) is added to address concerns about the fact that in current training settings, the primary supervisor often is not physically present when the trainee is providing services. This proposal addresses this concern by requiring the supervisor to have a plan in place to protect the client/consumer in the event a crisis or emergency occurs. The supervisor is also required to ensure that the trainee thoroughly understands the plan and how to implement it. This concept is a clear and direct tool to ensure patient safety in the event of a crisis.
8. Subsection (b)(9) is being deleted as the issue of verification of experience is covered in proposed new section (b)(10).
9. Subsection (b)(10) is a proposal rooted in the recommendations from the panel of experts the board assembled in January 2003 and in the training standards set by the American Psychological Association. This proposal requires the supervisor and trainee to prepare a document which establishes on the part of all involved, clear expectations for the experience. Requiring this facilitates communication between supervisor and trainee and will help to avert any conflicts or misunderstandings about the supervised experience and its potential outcomes. This proposal will require the supervisor and trainee to establish goals and objectives of the plan for supervised experience and to discuss the regulations addressing supervised professional experience. This proposal requires the supervisor to verify the experience upon completion and indicate whether, in his/her professional judgment, the trainee demonstrated an overall performance at or above the minimal competency level expected for the trainee's level of education, training and experience. Finally, this section allows the training director to perform the verification and rating duties of the primary supervisor for experience accrued as part of a formal predoctoral experience. This recognizes that in such formal internship programs, the training director provides the oversight for all trainees in the program and is often the best person to complete the verification process.
10. Subsection (d), regarding exceptions to section 1387 for experience accrued as a psychological assistant, is deleted in this proposal. This is in response to the fact that the 50% on site requirement impedes quality training while accomplishing nothing with regard to patient safety. With new technologies such as cell phones and pagers, physical presence is no longer vital or relevant to assure quality training. Requiring 100% availability, as is done in section 1387, is a much more effective consumer

protection than setting an arbitrary “50% onsite” requirement which basically has no effect one way or another with regard to consumer protection.

In this proposal, section 1387(d)(1)(C) regarding the allowance of 750 hours being supervised by a board certified psychiatrist for registered psychological assistants, is deleted inasmuch as this allowance is addressed in new proposed language in section 1387.1.

11. As indicated above, this proposal moves the language regarding the ability of psychological assistants to accrue 750 hours under the supervision of a psychiatrist to section 1387.1.
12. Current section 1387.1 subsection (b) is deleted and current subsection (c) is relettered to (b) and amended to require supervisors to take a six hour course in supervision issues every two years if they intend to supervise. Obsolete language is deleted.
13. Current section 1387.1 subsection (d) is relettered to (c) and is amended to delete the reference to the licensing laws of the Board of Behavioral Sciences (BBS) in reference to primary supervisors. This is deleted because the licensees of the BBS are not authorized to serve in the capacity of primary supervisors. Note that the reference to the Medical Practice Act is left in inasmuch as psychiatrists can serve as primary supervisors to psychological assistants for up to 750 hours.
14. Current section 1387.1 subsection (e) is relettered to (d) to delete the reference to the licensing laws of the Board of Behavioral Sciences (BBS) in reference to primary supervisors. This is deleted because the licensees of the BBS are not authorized to serve in the capacity of primary supervisors. Note that the reference to the Medical Practice Act is left in inasmuch as psychiatrists can serve as primary supervisors to psychological assistants for up to 750 hours.
15. Current section 1387.1 subsection (f) is relettered to (e) for consistency in lettering.
16. Current section 1387.1 subsection (g) is relettered to (f) and replaces “supervisee’s” with “trainee’s.”
17. Current 1387.1 subsection (h) is relettered to (g) and is amended to delete the requirement that patients of trainees be informed in *writing* that the trainee is unlicensed and functioning under supervision. In many settings, such as in the prison setting or in a setting wherein the patient must have a patient representative, providing written notice could severely impact the efficacy of the therapy or perhaps endanger the trainee. Notice to meet the intent of this section could indeed be oral, it could be on the trainee’s name badge, and it could be in other non-written formats. Such methods of notice are equally effective as formal written notice if not more so. This subsection also requires the primary supervisor to inform clients of trainees that the primary supervisor will have access to their treatment records in order to perform their supervisory tasks. Supervisors routinely review the treatment records of patients of their trainees. This is an essential task of supervisors. Clients should rightfully be informed that in addition to the trainee that they are seeing having access to their record, the supervisor of that trainee will also be accessing the records in order to provide supervisory oversight.
18. Current section 1387.1 subsection (i) is relettered to (h) and replaces “supervisee’s” with “trainee’s.”
19. Current section 1387.1 subsection (j) is relettered to (i) for consistency in lettering.
20. Current section 1387.1 subsection (k) is deleted and subsection (m) is now subsection (k).
21. Current section 1387.1 subsection (l) is relettered to (j) and replaces “supervisee’s” with “trainee’s.”
22. Current section 1387.1 subsection (n) is relettered to (l) and replaces “supervisee’s” with “trainee’s.”
23. Current section 1387.1 subsection (o) is relettered to (m) is amended to clarify that rather than simply “providing” the trainee a copy of the referenced pamphlet, the

- proposed amendment states that the supervisor needs to require the trainee to actually review the pamphlet. This has always been the true intent of this requirement.
24. Current section 1387.1 subsection (p) is relettered to (n) for consistency in lettering.
 25. Section 1387.2(b) is deleted. It was the consensus of the supervision panel assembled by the board that it was the responsibility of the primary supervisor to ensure that any qualified licensee (psychologist, MFT, LCSW, psychiatrist) to whom supervision responsibilities are being delegated, is prepared and has had proper training to perform the supervision responsibilities. To require specific training of delegated supervisors is "overkill" and perhaps over-regulation that has caused hardship for many agencies in which many psychology trainees are trained. Again, the primary supervisor is responsible for the training as a whole and this would include ensuring that any person to whom supervision is delegated is prepared to provide such delegated supervision of assigned trainees.
 26. 1387.4 is regarding supervised professional experience accrued in other states or provinces. Requirements for supervised experience can vary somewhat across jurisdictions. Generally speaking however, most jurisdictions, including California, have developed their supervision regulations to reflect the general training standards that have been established by APA and other reputable organizations such as the Association of Psychology Postdoctoral and Internship Centers (APPIC). The wording of subsection (a) is proposed to be split into two parts for the sake of clarity. Part 1 establishes that the supervisor must be a psychologist licensed at the doctoral level in that state or province where the experience is taking place. The reference to allowing 750 hours under a psychiatrist is being deleted to make this regulation consistent with other parts of section 1387 that require a psychologist supervisor in all situations except for those wherein the trainee registers as a psychological assistant to a psychiatrist as allowed by section 2913 of the Business and Professions Code. The board does not require registration of psych assistants in other states and does not have authority over such issues in other states. Therefore, this wording is being deleted. Section 2. of this proposed amendment requires the supervised professional experience accrued in another jurisdiction to be in substantial compliance with our section 1387. This wording is necessary to reflect differences in regulation in other jurisdictions and this board not having authority to impose requirements on training settings or on licensees in other states and provinces. Therefore, so long as the experience substantially complies with the general principles of our regulations, it would qualify.
 27. Section 1387.4(b) addresses the issue of accruing supervised experience while in the military. Military installations require supervisors of psychology trainees to be licensed in some jurisdiction. This language recognizes this fact and states the fact for the sake of clarity.
 28. Section 1387.6 and 1387.7 are added to ensure that all affected are clear that in order for a psych assistant to accrue hours of SPE, he/she must at all times be in compliance with section 1387 and 1391 of the code. Further section 1387.7 requires registered psychologists to be in compliance with section 1387 and new section 1390 of the code.
 29. These amendments make appropriate renumbering of current section 1390 to section 1389.1. These amendments establish section 1390 as the Registered Psychologist regulations as authorized by section 2909 of the code. These regulations will assist those wanting to obtain this registration to understand the requirements of the registration and the parameters of functioning in such a capacity. Historically, lack of regulations in this regard has led to lack of clarity on becoming a registered psychologist. This has confused those affected by this registration. The addition of section 1390 will clarify this registration for those affected by it.
 30. Current section 1390 is being renumbered to 1389.1 for consistency within Article 4. Examinations which begins with 1388 and, as proposed, will end with 1389.1. Article 5.

Registered Psychologists and Psychological Assistants will begin with section 1390 to be consistent with subsequent sections.

Proposed sections 1390 –1390.3 are being added to clearly state the requirements for the registration as established in 2909 of the BPC. Proposed section 1390.1 is added to clarify that a person wanting to be a registered psychologist must submit an application to the board. Proposed section 1390.2 clarifies that applications which are not completed within 90 days after additional information has been requested are withdrawn. Proposed section 1390.3 sets forth the supervision requirements for functioning in this unlicensed capacity and conforms these requirements to section 1387 and to section 1391 of the CCR. These proposals reiterate the statutory limitation of the two year registration and require the primary supervisor to comply with section 1387 of the CCR including informing each client of the trainee's unlicensed status and for ensuring that a plan is in place to protect the patient in the event an emergency or crisis occurs at a time when the primary supervisor is not physically present at the worksite. These proposals also establish a requirement for the primary supervisor to inform clients of the trainee that the primary supervisor will have access to his/her records in order to carry out their supervisory responsibilities. Finally, as with any supervisory arrangement covered in section 1387, these proposals ensure that no fee may be levied on a trainee in consideration for the employment or supervision of a registered psychologist.

31. These proposals further suggest several minor amendments to the psychological assistant regulations (sections 1391 through 1391.14). These proposed amendments include conforming section 1391.4 to section 2936 of the BPC by stating that supervised professional experience must be performed pursuant to APA standards. Section 1391.5 is amended to state that a supervisor must be employed in the same setting as the assistant which conforms with section 1387 of the code. The historical reference to "50% on site" is deleted because it is obsolete and unnecessary and interferes with quality training in applied psychological services. It is a fact that supervisors must be available 100% of the time that a trainee is working. The historical 50% onsite accessibility standard for supervisors has become obsolete and is inadequate for public protection. Further, these amendments impose the same course requirement for psychological assistant supervisors as is required of all other supervisors in section 1387. Psychologists who supervise need training in order to understand the processes and procedures of effective supervision.
32. Section 1391.6 is amended and updated to reference the training standards of APA. This section also incorporates language to advise the clients of psych assistants that the supervisor will have access to their records; that the supervisor is available 100% of the time that the assistant is working, and that the supervisor must have a plan in place in the event of a patient emergency. These are all minimum standards set by state and national training authorities including APA, APPIC and CAPIC. All three of these organizations are currently referenced in section 1387 as the organizations setting the standards for the training of psychologists in North America.
33. Section 1391.8 is amended to clearly establish that a psychological assistant is an unlicensed employee and not an independent practitioner by stating that the supervisor must supply all provisions necessary to function as an assistant.
34. Section 1391.10 includes technical cleanup in amending a laundry list of employment "evidence" out of the language and in its place requiring a "certification of employment." This section is amended to require the supervisor to certify in an annual report that the services provided by the assistant were performed at a level satisfactory to ensure safety to the public.

Again, all of the proposed amendments reflect current, accepted standards in training future psychologists.

Underlying Data:

Attachment A. APPIC Membership Criteria: Doctoral Psychology Internship Programs

Attachment B. American Psychological Association: Accreditation Operating Procedures of the Committee on Accreditation

Attachment C. Fundamentals of Clinical Supervision, Second Edition

Attachment D. Practicum Internship (Textbook for Counseling and Psychotherapy), Second Edition

Business Impact:

Description of alternatives which would lessen any significant adverse impact on business:

These proposed amendments will ease much of the current burden on supervisors and employers of psychological assistants and registered psychologists that is inherent in the current language. Any impact on business of mental health agencies and facilities will be to alleviate historically unnecessary restrictions on quality training programs and placement settings.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

These proposals were developed with full collaboration from the public. Several public sessions soliciting input from training programs, supervisors, trainee and other interested parties have been conducted since 1998. Additionally, the board assembled a panel of twelve experts in supervision to sit together and discuss contemporary supervision practices and to formulate recommendations for improving the quality of supervised professional experience. Much of this work has evolved out of the need to eliminate the oral licensing examination inasmuch as it could never meet the validation requirements of section 139 of the Business and Professions Code. The public and the law have played a key role in the development of these proposals. All alternative proposals submitted by the public have been considered and the resulting language is the product of consensus of the board and experts and leaders in the field of training for psychologists.